

#27

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

25932-5

First named inventor: Williamson

Group Art Unit: 1714

Application Number: 09/299,068

Examiner: M. Medley

Filed: April 23, 1999

Title: NON-PHOSPHOROUS, NON-METALLIC ANTI-WEAR COMPOUND AND FRICTION MODIFIER

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☒ small entity - fee \$ 55 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in

the form of _____ Amendment _____ (identify the type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FAX RECEIVED

DEC 05 2002

PETITIONS SECTION

PTO/SB/61 (10-00)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

December 5, 2002

Date

Telephone

Number: (206) 628-7634



Signature

Vita G. Conforti

Typed or printed name

Davis Wright Tremaine LLP

Address

1501 Fourth Ave., Ste. 2600, Seattle, WA 98101

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☒ Notice of Improper Request for Continued Examination; Fee Transmittal**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

December 5, 2002

Date



Signature

Kay Bulen

Typed or printed name of person signing certificate

PTO/SB/61 (10-00)

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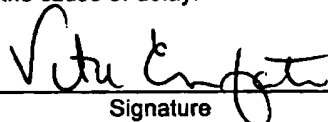
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

December 5, 2002

Date


SignatureVita G. Conforti

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Attorney for the Applicant submitted a response in the format of a CPA, on 10/15/02. Attorney for the Applicant believed this was a proper response and telephoned the Examiner on 10-15-02 to make the Examiner aware a CPA was being filed. Attorney for the Applicant had intended to submit a Preliminary Amendment in the CPA. Attorney for Applicant was out of the country on 10-24-02 when the "Notice of Improper Request for Continued Examination (RCE)" was mailed and when it was received. Immediately upon receipt of the "Notice of Improper Request for Continued Examination (REC)," Attorney for Applicant dutifully began to prepare the enclosed response and made every effort to expedite its preparation, review and filing.

(Please attach additional sheets if additional space is necessary)